

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

GLADYS MENSING,

Civil No. 07-3919 (DWF/SRN)

Plaintiff,

v.

**ORDER DISMISSING ALPHARMA INC.  
AND PUREPAC PHARMACEUTICAL CO.  
WITH PREJUDICE**

WYETH, INC. (d/b/a WYETH), SCHWARZ PHARMA, INC.; PLIVA, INC.; TEVA PHARMACEUTICALS, USA, INC.; ALPHARMA, INC., d/b/a ALPHARMA PHARMACEUTICALS; UDL LABORATORIES, INC.; ACTAVIS ELIZABETH LLC; and PURPAC PHARMACEUTICAL CO., and the following fictitious party defendants (whether singular or plural, individual or corporate): No. 1, that entity which originally obtained permission from the U.S. Food and Drug Administration to market the drug branded Reglan; No. 2 that entity which obtained permission from the FDA to market the Reglan, metoclopramide and/or metoclopramide HCl ingested by Gladys Mensing; No. 3, that entity which originally manufactured and sold any Reglan which was ultimately ingested by Gladys Mensing; No. 4, that entity which originally manufactured and sold any Reglan, metoclopramide and/or metoclopramide HCl which was ultimately ingested by Gladys Mensing; No. 5, that entity which marketed Reglan or generic metoclopramide and/or metoclopramide HCl,

Defendants.

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Daniel J. McGlynn, Esq., and Patty F. Trantham, Esq., McGlynn & Glisson, APLC; and Lucia J. W. McLaren, Esq., Michael K. Johnson, Esq., Goldenberg & Johnson, PLLC, counsel for Plaintiff.

Bridget M. Ahmann, Esq., and Erin M. Verneris, Esq., Faegre & Benson LLP; and Jeffrey R. Pilkington, Esq., and Tom Wagner, Esq., Davis, Graham & Stubbs, LLP, counsel for Defendant Wyeth Inc.

Jan R. McLean Bernier, Esq., Tracy J. Van Steenburgh, Esq., and Dana M. Lenahan, Esq., Halleland Lewis Nilan & Johnson PA; and Joseph P. Thomas, Esq., Matthew V. Brammer, Esq., Rex A. Littrell, Esq., and Tiffany Reece Clark, Esq., counsel for Defendant Pliva, Inc.

David L. Hashmall, Esq., Felhaber Larson Fenlon & Vogt, PA, counsel for Defendants Teva Pharmaceuticals USA, Inc., and UDL Laboratories, Inc.

Bradley J. Lindeman, Esq., and Michael D. Hutchens, Esq., Meagher & Geer, PLLP; and Richard A. Dean, Esq., Tucker Ellis & West, counsel for Defendants Alparma Inc., Actavis Elizabeth, LLC, and Purepac Pharmaceutical Company.

Andrew J. Calica, Esq., and Henninger S. Bullock, Esq., Mayer Brown LLP; and Bridget M. Ahmann, Esq., and Erin M. Verneris, Esq., Faegre & Benson LLP, counsel for Defendant Schwarz Pharma, Inc.

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Based upon the Stipulation of Dismissal with Prejudice entered into by the parties (Doc. No. 122) and upon Rule 41(a)(1)(ii) of the Federal Rules of Civil Procedure and all of the files, records and proceedings herein,

**IT IS HEREBY ORDERED:**

That Alparma Inc. and Purepac Pharmaceutical Co. are hereby **DISMISSED** from the above-entitled action **WITH PREJUDICE** and on the merits, without cost to any of the parties hereto.

**LET JUDGMENT BE ENTERED ACCORDINGLY AS TO DEFENDANTS  
ALPHARMA INC. AND PUREPAC PHARMACEUTICAL CO. ONLY.**

Dated: September 26, 2008

s/Donovan W. Frank  
DONOVAN W. FRANK  
Judge of United States District Court